

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

ESTALYN ROSARIO,

a/k/a "Estarlyn Rosario,"

Defendant.

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SEALED ORDER

20 Cr. (JGK)

20 CRIM 371

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WHEREAS, an application has been made by the United States of America, with the consent of ESTALYN ROSARIO, the defendant, requesting that: (1) the Court schedule an arraignment and guilty plea pursuant to a cooperation agreement in the above referenced case ("Proceeding"); (2) the Proceeding be convened via videoconference pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, § 15002(b)(2)(B); (3) the Proceeding be closed to the public; (4) the transcript of the Proceeding and any other filings or docket entries associated with the Proceeding be filed under seal until further order of this Court; and (5) the application for closure of the Proceeding and sealing filed by the Government on July 8, 2020, be sealed until further order of this Court;

WHEREAS, the Court has authorized the use of videoconference for arraignments under Rule 10 of the Federal Rules of Criminal Procedure and felony pleas under Rule 11 of the Federal Rules of Criminal Procedure, having specifically found that Rule 11 felony pleas cannot be conducted in person without seriously jeopardizing public health and safety, see *In re: Coronavirus/Covid-19 Pandemic*, 20 Misc. 176 (CM) (June 24, 2020);

WHEREAS, the defendant has consented to the use of videoconferencing for the Proceeding;

WHEREAS, the Court finds further delay of the Proceeding will impede the Government's future investigation and potential prosecution of various individuals;

WHEREAS, the Court finds that the defendant's ability to serve as a confidential informant after he pleads guilty in this case and future law enforcement investigations in which he may participate may be compromised if the instant application is not granted, see *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995);

IT IS HEREBY ORDERED that: (1) the Court will convene the Proceeding via videoconference on July 22, 2020, at 10 AM, (2) the Proceeding be closed to the public; (3) the transcript of

the Proceeding and any other filings or docket entries associated with the Proceeding be filed under seal until further order of this Court; and (4) the application for closure of the Proceeding and sealing filed by the Government on July 8, 2020, be sealed until further order of this Court;

IT IS FURTHER ORDERED that this Order be sealed pending further order of this Court;

IT IS FURTHER ORDERED that the Government shall report to the Court on or before 60 days after execution of this Order regarding the continuing need, if any, to maintain these matters under seal.

SO ORDERED:

Dated: New York, New York
July 13, 2020

/s/ John G. Koeltl

THE HONORABLE JOHN G. KOELTL
United States District Judge